No. 96-890

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1996

BETTY-LOUISE FELTON, et al.,

Cross-Petitioners,

vs.

RACHEL AGOSTINI, et al.,

Cross-Respondents,

- and -

CHANCELLOR OF THE BOARD OF EDUCATION OF THE CITY OF NEW YORK, et al.,

Cross-Respondents.

ON CROSS-PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONERS' BRIEF IN OPPOSITION TO CROSS-PETITION

PAUL A. CROTTY,
Corporation Counsel for the
City of New York,
Attorney for Petitioners
under Docket No. 96-553,
100 Church Street,
New York, N.Y. 10007.
(212) 788-1010 or 1056

LEONARD J. KOERNER,*
MARILYN RICHTER,
STEPHEN J. McGRATH,
PETER D. WINEBRAKE,
of Counsel.

December 9, 1996.

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PETITIONERS' BRIEF IN OPPOSITION TO CROSS-PETITION

The Chancellor of the Board of Education of the City of New York and the Board of Education of the City of New York, petitioners under docket 96-553, submit this brief in opposition to the cross-petition filed by Respondents Betty-Louise Felton, et al.

It is petitioners' position that Respondents are not aggrieved by the order of the Court of Appeals, which affirmed the denial of petitioners' Rule 60(b) motion. The procedural argument as to the propriety of petitioners' use of a Rule 60(b) motion is properly raised in opposition to our petition. Accordingly the cross-petition should be denied.

We respectfully refer the Court to our Reply Brief under Docket No. 96-553

for our position on Respondents' procedural and substantive arguments.

CONCLUSION

The Cross-Petition should be denied.

Respectfully submitted,

PAUL A. CROTTY,
Corporation Counsel of the
City of New York,
Attorney for Petitioners
under Docket 96-553.

LEONARD J. KOERNER,*
MARILYN RICHTER,
STEPHEN J. McGRATH,
PETER D. WINEBRAKE,
of Counsel.

December 9, 1996

*Counsel of Record